

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MOSTAFA TAHIR YASEEN)
v.) No. 3-07-0969
UNITED STATES OF AMERICA)

TO: Honorable Robert L. Echols, District Judge

REPORT AND RECOMMENDATION

On September 27, 2007, the plaintiff filed a complaint, pursuant to 8 U.S.C. § 1447(b), asserting that it had been over 545 days since his initial examination by the United States Citizenship and Immigration Services ("USCIS") on his application for naturalization. He sought an order of naturalization or, alternatively, a remand to the USCIS with instructions that he be naturalized within a certain period of time.

By order entered October 22, 2007 (Docket Entry No. 2), this case was referred to the Magistrate Judge for consideration of all pretrial matters, including any reports and recommendations on dispositive motions.

On November 27, 2007, the defendant filed a motion to dismiss, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure (Docket Entry No. 7). The defendant advises that the plaintiff's application for naturalization has been processed and was approved on November 13, 2007, and that the plaintiff has been notified that he is scheduled to be naturalized on December 7, 2007. See Exhibit to Docket Entry No. 7.

Therefore, the defendant contends that this action has been rendered moot. The Court agrees. The relief sought by the plaintiff has been granted by USCIS. There is no further relief that this Court can provide, and thus no controversy for the Court to adjudicate.

Based on the foregoing, it is respectfully recommended that the defendant's motion to dismiss (Docket Entry No. 7) be GRANTED, and this action be dismissed with prejudice.

Any objections to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of receipt of this notice, and must state with particularity the specific portions of this Report & Recommendation to which objection is made. Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's order. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Respectfully Submitted,



JULIET GRIFFIN
United States Magistrate Judge